

NO. CV-95-0546180 S

STATE OF CONNECTICUT	:	SUPERIOR COURT
	:	
	:	JUDICIAL DISTRICT OF HARTFORD
V.	:	AT HARTFORD
	:	
ALL-PRO TELEMARKETING	:	
ASSOCIATES CORP.	:	SEPTEMBER 19, 2000

**STIPULATION FOR JUDGMENT ON THE PLAINTIFF'S**  
**MOTION FOR ORDER OF CONTEMPT**

IT IS STIPULATED, by and between the undersigned parties that:

The parties consent and stipulate that a Judgment in the form set forth below shall be entered by the Court at any time following the date of filing of this Stipulation, without further notice to any party or other proceeding. Said Judgment shall be determinative of the rights of the undersigned parties against or to each other in the above-entitled action. By executing this Stipulation, the defendant expressly declares that it fully understands the terms of the Judgment to be entered as set forth below, and agrees and desires to be bound thereby.

This action by writ and complaint claiming civil penalties and other relief, came to this court on January 31, 1995. On September 16, 1996, the Court (Hennessey, J.) entered Judgment in accordance with the Stipulation of the parties. Said Judgment enjoined the defendant from engaging in, or failing to engage in, certain conduct specified therein. Said Judgment further required the Defendant to pay the Plaintiff the amount of twenty-six thousand six hundred dollars (\$26,600.00). (A copy of the Judgment entered on September 16, 1996 is attached hereto and labeled Exhibit A). Pursuant to said Judgment, this Court retains jurisdiction for the purpose of enabling any of the parties to the judgment to apply to the Court at any time for further orders

and direction as may be necessary for the enforcement of compliance therewith and punishment of violations thereof.

The Plaintiff has reason to believe that the Defendant is in violation of the terms of the 1996 Judgment and files the accompanying Motion for Order of Contempt.

### **JUDGMENT ON STIPULATION**

Plaintiff State of Connecticut and defendant ALL-PRO TELEMARKETING ASSOCIATES CORP., by their respective attorneys, having consented to the making and entry of this judgment in settlement of the request that the defendant be held in contempt of the Judgment, without admission by any party in respect to any issue of fact or law other than those set forth in Part I of the Order herein; and without this judgment constituting evidence of an admission by any party hereto with respect to any issue of fact or;

**NOW, THEREFORE**, before any testimony has been taken herein, without trial or adjudication on any issue of fact or law herein, without admission of liability and upon consent of the parties hereto, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

The defendant ALL-PRO TELEMARKETING ASSOCIATES CORP., shall pay to the plaintiff State of Connecticut the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS.

Payment of the FIFTY THOUSAND DOLLARS shall be made in the following manner:

a) Within thirty (30) days of the entry of this Judgment, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

b) On or before February 15, 2001, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

c) On or before May 15, 2001, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

d) On or before August 15, 2001, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

e) On or before November 15, 2001, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

f) On or before February 15, 2002, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

g) On or before May 15, 2002, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

h) On or before August 15, 2002, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

i) On or before November 15, 2002, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

j) On or before February 15, 2002, the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. shall pay the plaintiff STATE OF CONNECTICUT five thousand (\$5,000.00) dollars.

The Defendant shall be in default of this Judgment if any payment is not received on or before its due date, except that the Defendant shall not be in default of this Judgment if such payment, received after its due date, bears a postmark not later than ten (10) days after such due date. Payment shall be made by check payable to the State of Connecticut and shall be mailed or delivered to Assistant Attorney General Manuel A. Suarez at 55 Elm Street, Hartford, Connecticut 06106, or to such other place as said attorney may hereinafter designate. No act or omission of the plaintiff or its representative shall be construed to waive or otherwise affect the obligation of the defendant to make the payment when it is due.

Should the defendant ALL-PRO TELEMARKETING ASSOCIATES CORP. fail to tender any payment due hereunder as set forth above, ALL-PRO TELEMARKETING ASSOCIATES CORP. shall hereby be prohibited, in the State of Connecticut, from acting as a paid solicitor, as that term is defined by Conn. Gen. Stat. § 21a-190(a)(7), until such overdue payment is made together with ten (10) percent simple interest per annum thereon. Such interest shall accrue from the date the payment is due through and including the date the payment is made.

The Judgment of September 16, 1996 entered by the Superior Court (Hennessey, J.) remains in full force and effect and is not modified by this or any other document.

This Judgment shall be effective immediately upon entry.

PLAINTIFF  
STATE OF CONNECTICUT

\_\_\_\_\_  
Date

BY: \_\_\_\_\_

Manuel A. Suarez  
Assistant Attorney General  
55 Elm Street, P.O. Box 120  
Hartford, CT 06141-0120  
Tel: (860) 808-5020

FOR THE DEFENDANT  
ALL-PRO TELEMARKETING  
ASSOCIATES CORP.

\_\_\_\_\_  
Date

BY: \_\_\_\_\_

Daniel A. Silver, Esq.  
1 Liberty Square  
New Britain, CT 06050-0698  
Tel.: (860)-229-3791

I, Mark Gelvan, president of All-Pro Telemarketing Associates Corp., have read this Stipulation for Judgment, understand its terms and on behalf of the corporation consent to the entry of a Judgment by the Court in accordance with its terms.

Date: \_\_\_\_\_

\_\_\_\_\_  
Mark Gelvan

